

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2015 OCT 14 PM 4:30

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PATRICIA LEE GAUDETTE, )  
)  
Plaintiff, )  
)  
v. )  
)  
CAROLYN W. COLVIN, )  
Commissioner of Social Security, )  
)  
Defendant. )

Case No. 5:14-cv-70

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

(Docs. 14, 19, & 20)

This matter came before the court for a review of the Magistrate Judge's July 29, 2015 Report and Recommendation ("R & R"). Plaintiff Patricia Lee Gaudette filed a motion to reverse the decision of the Commissioner of Social Security (the "Commissioner"). (Doc. 14.) Defendant opposes the Plaintiff's motion and filed a motion for an order affirming the decision of the Commissioner. (Doc. 19.) Neither party has filed an objection to the R & R, and the time period to do so has expired.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); *Cullen v. United States*, 194 F.3d 401, 405 (2d Cir. 1999). The district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *accord Cullen*, 194 F.3d at 405. A district judge, however, is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

In his twenty-one page R & R, the Magistrate Judge carefully reviewed the factual record and the pending motions and recommended that the court deny Plaintiff's motion to reverse the decision of the Commissioner and grant the Commissioner's motion to affirm. In support of that recommendation, the Magistrate Judge determined that substantial evidence supported the conclusion of the Administrative Law Judge ("ALJ") that Plaintiff failed to demonstrate that her medical issues, which included scoliosis, skin rash, leg cramps, reflux disease, carpal tunnel syndrome, upper extremity numbness, and adjustment disorder, constituted medically determinable impairments during the alleged disability period. The Magistrate Judge further concluded that substantial evidence supported the ALJ's credibility determination regarding Plaintiff's testimony about her impairments, pain, and limitations. Neither party has objected to the Magistrate Judge's recommendations which the court finds well-reasoned.

### **CONCLUSION**

For the foregoing reasons, the court hereby ADOPTS the Magistrate Judge's R & R as the court's Opinion and Order, DENIES Plaintiff's motion to reverse decision of the Commissioner (Doc. 14), and GRANTS Defendant's motion for an order affirming the decision of the Commissioner (Doc. 19).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 14<sup>th</sup> day of October, 2015.

A handwritten signature in black ink, appearing to read 'Christina Reiss', is written over a horizontal line.

Christina Reiss, Chief Judge  
United States District Court